

City Proposal 9/23/21 (Second)

ARTICLE 28.
Disciplinary Actions Authority

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Section 9.

The award of the Arbitrator shall state whether the Chief's disciplinary decision(s), which includes the original written statement and charges, is supported in whole or in part by a preponderance of the evidence considering the reliable and probative evidence in the record as a whole.

If the Chief's decision, or any part thereof, is supported by the evidence, the Arbitrator shall uphold a disciplinary action less than an indefinite suspension unless it is arbitrary, unreasonable, or unrelated to the needs of the service.

An indefinite suspension shall be upheld if the Chief's decision, or any part thereof, is supported by the evidence unless the Officer proves that the Officer's conduct is not a substantial shortcoming.

If the Arbitrator finds the Chief's decision must be modified after the Officer proves that his/her conduct is not a substantial shortcoming (as defined below), this agreement authorizes an arbitrator to reduce an indefinite suspension to a period greater than 45-days.

A "substantial shortcoming" is defined as either (1) a violation or conduct which renders the officer's continuance in office in some way detrimental to effective law enforcement and the needs of the Department, or (2) which the law and sound community expectations recognize as good cause for depriving the officer of his/her position.

Date: _____

For the City

For the Association

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